

**ASSOCIATE SUPERINTENDENT APPROVAL** \_\_\_\_\_

**STATE BOARD MEETING DATE** December 8, 2008

**SUBJECT:** Consideration of Fingerprint and Background Check Violations

**SUBMITTED BY:** DeAnna Rowe

**MANAGEMENT TEAM REVIEW:** \_\_\_\_\_

**BACKGROUND INFORMATION:**

Daisy Education Corporation dba Sonoran Science Academy, which operates Paragon Science Academy Elementary School, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On November 3, 2008, Daisy Education Corporation dba Sonoran Science Academy was unable to provide evidence of a valid fingerprint clearance cards or proof that DPS had received fingerprint clearance card applications for Seyda Deniz Tarim, George Welsh, Fatmana Kara, and Omer Canatan.
- In accordance with A.R.S. §15-185.I and the Board's Policy Statement on Civil Penalties for Fingerprinting Violations, staff issued the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter.

**Communications with School**

- On November 3, 2008, Charter Board staff conducted a first year site visit of Paragon Science Academy Elementary School. The school was unable to provide evidence of a valid fingerprint clearance cards or proof that DPS had received fingerprint clearance card applications for Seyda Deniz Tarim, George Welsh, Fatmana Kara, and Omer Canatan.
- Seyda Deniz Tarim was hired as a 5<sup>th</sup> grade teacher under the Emergency Hire provision which allows the school to place the teacher in the classroom if certain criteria are met. Daisy Education Corporation dba Sonoran Science Academy failed to meet all of the requirements outlined under the Emergency Hire provision.
- George Welsh was hired as a physical education teacher under the Emergency Hire provision which allows the school to place the teacher in the classroom if certain criteria are met. Daisy Education Corporation dba Sonoran Science Academy failed to meet all of the requirements outlined under the Emergency Hire provision.
- Fatmana Kara was hired as an instructional assistant under the Emergency Hire provision which allows the school to place the instructional assistant in the classroom if certain criteria are met. Daisy Education Corporation dba Sonoran Science Academy failed to meet all of the requirements outlined under the Emergency Hire provision.
- Omer Canatan was hired as a tutor under the Emergency Hire provision which allows the school to place the tutor in the classroom if certain criteria are met. Daisy Education Corporation dba Sonoran Science Academy failed to meet all of the requirements outlined under the Emergency Hire provision.
- Copies of all four fingerprint clearance card applications were provided to Charter Board staff. After conducting a certification search through ADE's Common Logon, it was determined that:
  - Seyda Deniz Tarim's and George Welsh's applications were received by DPS in September. However, the fingerprint card status for both was listed as Expired/Incomplete which indicates that both individuals were issued fingerprint clearance cards in the past but were expired.

- The school was unable to verify that the applications had been received by DPS for Fatmana Kara and Omer Canatan. A certification search through ADE's Common Logon yielded no fingerprint data for either individual.
- In accordance with A.R.S. §15-185.I and the Charter Board's Policy Statement on Civil Penalties for Fingerprinting Violations, staff issued the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter. The letter was reviewed and the Board's policy statement and the civil penalty law's requirements were provided to Principal Ridvan Bircicek.
- The notification letter included a deadline of Wednesday, November 5, 2008 at 1:00 p.m. for Daisy Education Corporation dba Sonoran Science Academy to provide evidence to our office that an application for the appropriate fingerprint check had been received by DPS and thereby avoid a civil penalty of \$4,000 (\$1,000 per occurrence).
- Before 1:00 p.m. on November 4<sup>th</sup>, Daisy Education Corporation dba Sonoran Science Academy provided our office with documentation indicating that:
  - on September 8, 2008, DPS received George Welsh's application for a fingerprint clearance card in accordance with A.R.S. §15-183.C.4 and that the application is still in process. The confidential information provided by the school has been redacted and is included in the Board materials.
  - on September 9, 2008, DPS received Seyda Deniz Tarim's application for a fingerprint clearance card in accordance with A.R.S. §15-183.C.4 and that the application is still in process. The confidential information provided by the school has been redacted and is included in the Board materials.
  - on September 30, 2008, DPS received Fatmana Kara's application for a fingerprint clearance card in accordance with A.R.S. §15-183.C.4 and on November 3, 2008, DPS issued the fingerprint clearance card. The confidential information provided by the school has been redacted and is included in the Board materials.
  - on October 8, 2008, DPS received Omer Canatan's application for a fingerprint clearance card in accordance with A.R.S. §15-183.C.4 and that the application is still in process. The confidential information provided by the school has been redacted and is included in the Board materials.

**BOARD ACTION REQUESTED: [ ] INFORMATION [ ] ACTION/DESCRIBED BELOW:**

In accordance with the Charter Board's policy statement, the Board must review all possible first time occurrences and make the final determination as to whether each will count as a first time occurrence.

If the Board determines that a civil penalty should not be imposed, but wants to create a record of this being the first time that the charter school is out of compliance with the fingerprinting requirements, the motion should include the statutory reference and basis. (i.e., I move that the four occurrences as they have been presented and documented in the Board materials and discussed constitute Daisy Education Corporation dba Sonoran Science Academy first time for civil penalty purposes under A.R.S. § 15-185(I). This motion is based on the following findings:

- 1) Daisy Education Corporation dba Sonoran Science Academy failed to comply with fingerprinting requirements prescribed in A.R.S. § 15-183(C) or A.R.S. § 15-512.
- 2) Daisy Education Corporation dba Sonoran Science Academy provided proof within 48 hours of the written notification that an application for the appropriate fingerprint check has been received by the Department of Public Safety.

Further, the Board directs staff to:

- 1) Apprise Daisy Education Corporation dba Sonoran Science Academy of the Board's findings and decision in this matter; and

- 2) Notify the Charter Operator that if the Board determines that the charter school subsequently violates the fingerprinting requirements during the next five years, a civil penalty of \$1,000 per occurrence shall automatically be imposed.

**ATTACHMENTS: YES [X]    NO[ ]**